IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 470 of 2002

in

SPECIAL CIVIL APPLICATIONNo 1627 of 1990

with

CIVIL APPLICATION No.4888 of 2002

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ASHVINKUMAR C THAKKAR

Versus

CHIEF OFFICER

Appearance:

MR UI VYAS for Appellant

HL PATEL ADVOCATES for Respondent No. 1

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE K.A.PUJ

Date of decision: 25/03/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

Admit. Service of notice is waived by M/s.HL Patel Advocates for the respondents.

By this Letters Patent Appeal, the order of the learned single Judge dated 22.2.2002 passed in Special Civil Application No.1627 of 1990, whereby the said petition under Article 226 of the Constitution of India came to be dismissed for non-prosecution is challenged on the grounds stated in the appeal. The other side has no objection in allowing the appeal by awarding costs.

In the circumstances, the appeal is allowed with costs which is quantified at Rs.2500/- (Rupees two thousand and five hundred only). The impugned order of the learned single Judge shall stand quashed and set aside. The matter is remitted to the learned single Judge for decision in accordance with law.

As the Letters Patent Appeal is allowed, the Civil Application also stands disposed of.

(J.N.Bhatt, Acting CJ)

(K.A.Puj, J.)

(vjn)